

TENNESSEE DEPARTMENT OF HEALTH
DIVISION OF EMERGENCY MEDICAL SERVICES
BUREAU OF LICENSURE AND REGULATION
MARCH 29 AND 30, 2006 BOARD MEETING

APPROVED JUNE 21, 2006

The EMS Board Meeting was called to order at 9:03 a.m. on March 29, 2006 by Chairman Darren Ellenburg. The meeting was conducted in the Cumberland Room of the Cordell Hull Building, located at 425 Fifth Avenue North, Nashville, Tennessee.

Chairman Ellenburg welcomed the EMS students from Northeast State, Walter State, Tennessee Tech, and Jackson State to the meeting.

EMS Director, Joe Phillips, introduced a special guest, Mr. Greg Scott, Illinois EMS Director. Mr. Scott is participating in the mentoring program sponsored by the National Association of State EMS Officials.

The association was previously called the "National Association of State EMS Directors". Due to the inclusion of training coordinators, medical directors, data managers, and trauma managers the name changed to "Officials".

The roll was called:

Dr. Charles Alderson	present
Ms. Susan Breeden	present
Mr. Robert Byrd	present
Chief David Baxter	absent
Ms. Susan Earl	present
Dr. Julie Dunn	present
Mayor Larry Griffin	present
Mark King	present
Donald Mosby	present
Dr. Steve White	absent (9:15)
Jackie Wilkerson	present
Ken Wilkerson	present
Chairman Darren Ellenburg	present

CONSIDERATION OF PROPOSED RULEMAKING: RULE 1200-12-6-.01
RESPONSIBILITIES OF THE BOARD CHAIRMAN

The discussion for this proposed rule was on the floor at the September, 2005 meeting. The language for the proposed rule had not been established for its presentation at the December 2005 board meeting.

The rule would read “the Board shall annually elect from its members a Board Chairman, or at the next Board meeting as a vacancy occurs, or as a term expires, who shall preside at all Board Meetings.”

“The Chairman is authorized to call and schedule such meetings as necessary to conduct the business.” And, “in the absence of the duly elected chairman, the Board may elect a chairman pro tem, who may preside over that meeting and certify the actions or orders from that meeting.” This would be on a per meeting basis with the absence of the Chairman.

The procedure on Contested Cases “All contested cases before the Board shall be conducted pursuant to the Rules of Procedure for Contested Cases of the Rules of the Secretary of State as compiled in Chapter 1360-4-1” in the Uniform Administrative Procedures Act.

The Petitions for Reconsiderations or Stays: “the Board authorizes the member who chaired the board for a contested case to be the agency member to make the decision authorized pursuant to Rule 1360-4-1-.18, regarding petitions for reconsiderations and stays in that case.”

These rules would allow the Board Chairman to make decisions outside the full board meeting on some matters.

Larry Griffin made the motion to send the proposed rules to a rulemaking hearing. Ken Wilkerson gave the second on the motion. A roll call vote was taken in this matter.

Dr. Alderson	yes	Mark King	yes
Susan Breeden	yes	Donald Mosby	yes
Robert Byrd	yes	Dr. White	abstain
Dr. Julie Dunn	yes	Jackie Wilkerson	yes
Susan Earl	yes	Chair Ellenburg	yes
Larry Griffin	yes		

Motion passed.

Rulemaking: Notice of Rulemaking hearing on Rule 1200-12-1-.02 Ambulance Safety Standards Amendments

The amendments are relative to the ambulance radio requirements. The language of the amendment was reviewed at the December, 2005 meeting.

The new language pertaining to the resource coordination centers, Emergency Medical Telecommunications Resource Coordination Centers, which will also be known as Regional Medical Communications Centers or RMCCs. The acronym was selected by the Hospital Preparedness Program and EMS to properly identify the radio coordination centers.

The RMCC is “designated by the Director of the Division of Emergency Medical Services for each emergency medical services area of the state and shall be charged with the following responsibilities”:

- “The RMCC shall be operational twenty-four (24) hours daily and shall coordinate emergency medical services traffic, as required.”
- Assist in public health injury and disease surveillance programs in association with the Department of Health.
- “The RMCC shall monitor and respond to all EMS telecommunications so directed to the center.”
- “The RMCC will maintain and coordinate its activities through regional committee.”.....”shall be organized of representatives within the region designated from the following provider agencies:
 - Each hospital with an active emergency department
 - Each primary provider of emergency ambulance services, each helicopter air ambulance service, and private ambulance services with more than ten (10) permitted ambulances
 - The regional EMS consultant
 - Regional Hospital coordinator
 - At least one (1) EMS medical director affiliated with an EMS primary provider

“The committee shall elect from its membership of designated representatives, an executive committee and officers to preside at and record the business of the committee, including a chairman, vice chairman and secretary, and to function as necessary between the regular meetings of the committee”. The general committee will conduct public meetings per the Open Meetings Act. The secretary shall keep minutes, which would be available for public inspection.

“The RMCC shall conduct a continuing education program on its communications equipment.”

“The RMCC will participate with dispatcher and telecommunicator training and promote training for all personnel within the region.”; i.e., local agencies shall notify the RMCC of changes in status and the need for additional resources.”

The EMITS and the Hospital Resource Tracking System will communicate situational information to the health department and emergency management officials, maintain liaison with emergency service coordinators at the State emergency operations center and other officials as identified by the Department of Health or the Tennessee Emergency Management Agency.

In regard to ambulances, the regulations that are stipulated under Paragraph (5), the EMS Access System, a request of provision for alternative compliance by a metropolitan service has been addressed. Under the rule draft Page 4, Paragraph (a), Part 2, subparts (i) and (ii), this would provide those counties with a population of more than 250,000 people, according to the 2000 U.S. census, may apply to use an alternative communication system to accomplish the objectives of this rule as detailed in Paragraphs (a) (b) and (c). The alternative must provide for ambulance to ambulance and ambulance to hospital communications for the affected Tennessee licensed operators when operating outside their primary base of operations. The Division will review alternative methods by requiring a demonstration of such equipment and procedures at any time to determine whether the alternative process is adequate. The metropolitan services must identify in their proposal a realistic assessment of the range, coverage, and efficiency of those procedures and devices that are proposed; the availability of alternatives and time necessary to deploy these alternatives; and the cost analysis for deployment of the resources outside of the jurisdiction of a primary ambulance service for a 72-hour period and state that such deployment would not affect the capabilities within the primary jurisdiction to provide public safety. At the current time, this would only apply to the four major population areas in the State; Memphis, Nashville, Chattanooga and Knoxville.

Mr. Phillips commented on the current five (5) designated regional medical communications centers; the Med in Memphis, Jackson Medlink in Jackson Madison County, Maury Regional Hospital, Erlanger Hospital (Chattanooga Medcom) and for upper Cumberland area, the Cookeville 9-1-1 Center in Putnam County. There will be three (3) designations in the near future; Vanderbilt University Medical Center in Nashville, UT Medical Center in Knoxville, and Johnson City Medical Center in northeast Tennessee.

Ken Wilkerson moved to approve the amendments as submitted and send to a rulemaking; seconded by Robert Byrd. The roll was called for the vote.

Dr. Alderson	yes	Mark King	yes
Susan Breeden	yes	Don Mosby	yes
Robert Byrd	yes	Dr. White	yes
Susan Earl	yes	Jackie Wilkerson	yes
Dr. Dunn	yes	Ken Wilkerson	yes
Larry Griffin	yes	Chair Ellenburg	yes

MOTION PASSED

CONFLICT OF INTEREST POLICY

Ms. Juanita Presley, Advisory Counsel, reminded the board members of their responsibility to report any financial or personal cause that comes before the Board in which they feel there may be a conflict of interest.

OFFICE OF GENERAL COUNSEL REPORT

Ms. Presley reviewed the rules report with the Board.

- Amendment to Rule 1200-12-1-.03, regarding emergency medical supplies and equipment, was amended and approved effective January 30, 2006.
- Amendments to Rule 1200-12-1-.15, Ambulance service records, dispatch logs, data sets, run reports and hospital information were amended effective March 1, 2006/
- Amendment to Rule 1200-12-1-.03; .04; .06, .07 and .16 were amended effective March 1, 2006.

Rules pending approval by the Attorney General are amendments to 1200-12-1-.04; Emergency Medical Technicians; 1200-12-1-.06, Schedule of Fees, and Rule 1200-12-1-.18, Emergency Medical Dispatcher standards, relative to criminal background checks.

After approval, there is a seventy-five (75) day filing time with the Secretary of State before they will become officially effective.

A request has been made to the Attorney General for a timely filing for Rule 1200-12-1-.04 relative to the associate degree requirement, so it will be effective before July 1.

The new rules that have been sent to the Attorney General are the emergency medical technicians and paramedics in hospital settings, and the critical care paramedic certification.

There are three (3) contested cases; a licensure denial appeal; and, six (6) consent orders addressed on today's agenda.

TNPAP REPORT

Ms. Elaine Eaton representing TNPAP was called for her report of activity. Three (3) individuals are signing contracts this morning. Including these three (3) individuals, there are now six (6) individuals being monitored.

There have been two or three people returned to the Board because of non-participation in the program.

Ms. Eaton reminded the Board they were available to go to the schools for a presentation. The instructors needed to contact the TNPAP office to schedule a time.

There will be a workshop May 4 and 5 dealing with issues of pain management, issues in the healthcare fields, and tips on how to do on-the-job interventions when working with someone who is impaired. The workshop will be conducted at the Nashville Conference Center, off of Briley Parkway.

A statewide mailing of the program was sent to the ambulance service directors explaining the program. Donna Tidwell said the link on the EMS website to TNPAP had been established.

A motion was made by Robert Byrd for TNPAP to do an individual provider statewide mailing; seconded by Dr. Dunn. By a voice vote, the motion passed; no one was opposed.

There was discussion of the proper procedure on the issue of an individual refusing the program. This would depend on whether it was a referral, a pre-existing complaint or an Order from the EMS Board. Also, if a circumstance arises which put public safety in a harmful situation, TNPAP would make a judgment call and report it to the EMS office. A service director should be knowledgeable of this information to report it also to the EMS office. If he did not, he would be in violation of the rules.

COMMITTEE REPORT: AIR AMBULANCE COMMITTEE

In the absence of Mr. Strong, Richard Land deferred the report until the June Board Meeting. At that time, there should be further recommendations from the committee for Board consideration...

Mr. Land thanked Board Members, Robert Byrd and Ken Wilkerson, for their participation with the committee.

COMMITTEE REPORT: CLINICAL ISSUES

Committee Chair, Dr. Joe Holley, reported on the medical director's conference in Gatlinburg in February. There was good discussion and was well received by the approximate sixty (60) members in attendance.

There are plans to repeat the conference material at a meeting on October 16th probably in Nashville. The goal is to afford the people from the west part of the state an opportunity to attend with a shorter travel time.

A discussion at the Gatlinburg conference regarding "rapid sequence intubation" had caused some confusion, and Dr. Holley wanted the Board to be aware in case of questions.

Dr. Holley had made the remark "that RSI had not proven to be the great tool we had hoped that it would be except in some very limited circumstances, and those primarily seem to be rural EMS systems and aero medical systems." He also stated that the services where he served as medical director were not doing RSI. This seemed to have been misinterpreted as he did not support RSI, and he was pulling RSI from the state protocols. He said that was not the message he meant to convey. RSI was a very useful service and was being used in several services in the state very successfully. During this discussion at the conference, there were several questions about implementing RSI statewide, which Dr. Holley said he was not sure that was the right thing to do at this time, and the lack of support for a statewide program does not mean those individual programs are not to be supported.

Moving on with his report, Dr. Holley stated data was in the process of being collected on "continuous positive airway pressure in pre-hospital setting with paramedics. His goal is to have a presentation made to the Clinical Issues Committee in regards to the data. The committee can then give the Board the information and/or make a recommendation as to whether or not there

would be value in expanding the possibility of C-PAP among other providers beyond paramedics; such as, the EMT may well possess the ability to provide this intervention and it would serve as a valuable tool to add to the prehospital setting.

The committee is also looking at the possibility of developing some sort of protocol for the use of prehospital resuscitators as a supplement to true ventilators as part of the pandemic flu planning concept.

Dr. White asked about the increasing problem of non-essential air ambulance flights. Richard Land stated that the Air Ambulance Committee had reviewed and revised parts of the “medical necessity rule. Also, SIMS and the Inspector General were doing special studies because of the enhanced reimbursement provided by Medicare to air ambulances for the medical necessities, and had conducted a survey on rural air ambulance carriers.

There was discussion on the EMS approach to “excited delirium” due to the involvement of law enforcement and so many possible factors of the “cause of the delirium”. Dr. Holley said he would look at some generalized guidelines.

Dr. Holley stated the adoption of the new AHA into the protocol had already been done. The protocols are on the EMS website.

A ten (10) minute break was taken.

After the break, Chairman Ellenburg asked for the record to show Dr. Dunn had to go Legislative Plaza on some business.

COMMITTEE REPORT: COMMUNICATIONS COMMITTEE

Richard Land reported on the activities of the committee. As part of the Tennessee Wireless Communications Council, the Department of Health has had meetings with other State agencies. A meeting with the Department of General Services was held to submit the request for the radio equipment and specifications to be purchased by state agencies over the next three years.

The request would include the 800 megahertz system being established by the Tennessee Emergency Management Agency. As part of the bid procedure, the state purchasing will extend the offer, not only to the State and local governments, but also to eligible 501 (3) (c) nonprofit agencies.

The RCC subcommittee met on March 16th. Recommendations from that committee were presented earlier in the proposed rules.

The committee will met to consider additional continuation of the hospital preparedness funding under the Hospital Resource Tracking System Grant.

Nextel will coordinate the contract with all affected agencies on the reband modification of the 800 mergahertz system. The Nation Public Safety Communications coordinating agency has selected Mr. Louis Kurd as the 800 transition administrator for Tennessee.

The committee plans to meet in May to adopt additional planning documents pertaining to ambulance services and working with the Education Committee for the training aspect, such as the incident command training and the NIMS training.

COMMITTEE REPORT: EDUCATION COMMITTEE

Donna Tidwell reported the Education committee met on Tuesday, March 28, 2006 at the Cumberland Regional Office.

A subcommittee is still working on the rules for the EMT training approval Section 13.

The licensure exam change is pursuant on the promulgation of the rule that will allow the "Board approved exam".

The instructor/coordinator conference will be July 26-28 in Nashville at the Maxwell House. Registration forms are on the TEMSEA website. There is also a link from the EMS website for the registration forms for instructors.

The critical care paramedic certification subcommittee is waiting on the promulgation of the new rules to proceed with obtaining a valid reliable exam.

STAFF REPORT: DONNA TIDWELL

- Bioterrorism Grant – This year's CD is on chemical agents. The contractor is working on the outline for the subcommittee and the advisory committee to review.
- NIMS training is scheduled for June and July. There will be three (3) sessions with the ambulance services. Currently, there are about eighty (80) registrations from both schools and services. The regional consultants have been asked to contact their service directors to send someone to the training. TEMA has indicated this training is mandated by FEMA for the counties to continue to receive their federal funding. This course will assist the counties in verifying the training of their emergency responders in 700, 800 and include ICS for EMS which is the 100, 200, 300 and 400. The course has been put together by numerous agencies to be used for training of emergency medical services personnel on incident command specific for EMS.
- Funding has been received to train one (1) training coordinator for each ambulance service and one (1) for each EMT training institution and one (1) for each paramedic institution, plus, the current regional medical communications centers.
- EMITS – 124 out of 152 services have logged on and set up their accounts. Out of the 124, 116 have entered a run. There were 246,539 runs in the system as of this morning. Work is continuing on third party downloads. Four (4) out of seven (7) have sent their XML files.
- National Registry Exam – Beginning in July, the first responder exam will be from National Registry instead of the old state exam. The National Registry Exam will reflect the changes of the American Heart Association. Ken Wilkerson made the motion to use the National Registry First Responder Exam as presented by Ms. Tidwell; seconded by Jackie Wilkerson. By a voice vote, the motion passed unanimously.

PENDING LEGISLATION

Richard Land distributed the document that identified several major bills that are pending in the legislature.

- Senate Bill 2646 – would designate defibrillators as either public or private; would eliminate the training requirement for public access AED's, but would also mandate an automatic alarm notification with the AED. One concern the Division had about the Bill was about the alarm; a hard wire alarm to the device would be a continuous expense. The AHA published new recommendations in their February issue, so they are aware of the situation.
- Senate Bill 3458 – by Senator McLeary; would revise EMS statute on air ambulance. This bill could remove the current prohibition from issuing permits on an individual aircraft; thus, allow us to issue the permits and regulate them as we do ground ambulances. This bill would delete the provision concerning air ambulance services with compensation in 506; however, per Mr. Phillips, those agencies are adequately covered under 517, which is the fee provision in the law.
- Senate Bill 3764 – by Senator Kyle; would expand the duties for emergency medical services board to certify training centers to train paramedics. The Division's response was the EMS Board already has that authority; as stated in the statute 68-140-504, Part I.
- Senate Bill 3783 – by Thelma Harper and Ulysses Jones; would authorize municipal governments, which owns, operates, or maintains ambulances as part of the services provided by the municipality to select its own color of ambulances. This would amend T.C.A. 55-8-101; Title 8, Chapter 140, Part 5. The State of Tennessee and the EMS Board has formerly maintained a policy of strict interpretation of the ambulance marking standards with some variances on logos. However, the white ambulance with orange stripe has been the standard. The Division will have to defer to legislative discretion; however, if anyone feels the current standards are the best for the ambulance service communities, they should contact their legislator.
- House Bill 2526 – by Rep. Fowlkes; would authorize the governor by executive order to extend certain liability protection for health professionals in a declared emergency. The "Good Samaritan Law" is similar to this proposed Bill; however, the new bill would allow private practitioners in offices to be immune from that liability and still render fees for service. The volunteer health professionals that might come in under the ESAR VIP or medical reserve corp would need protection such as this especially concerning an immediate impact such as with Katrina evacuees.

- House Bill 3257 – by Rep. Ulysses Jones; authorizes issuance of Tennessee Emergency Medical Services Education Association (TEMSEA) new specialty earmarked license plates to certain health care and EMS providers, and will allocate fifty percent (50%) of funds derived from the sale and renewal of such plates to TEMSEA to fund education and scholarship programs and purchase EMS equipment and supplies.
- House Bill 3556 – by Rep. Godsey; discusses the reimbursement rate for TennCare enrollees.
- Senate Bill 2454 – by Senator Jackson; requires notification to drivers of event recorders placed on motor vehicles.
- Senate Bill 3389 – by Senator Herron; establishes certain disclosures of certain health information as criminal offense.
- Senate Bill 3757 – by Senator Norris; expands authority of governor to respond to natural or man-made emergencies.

This list is not intended to be all inclusive, and other bills in the Tennessee General Assembly may be pending which could affect emergency medical services or EMS providers and personnel.

Mr. John Holloway, President of TEMSEA, was introduced for a statement regarding House Bill 3257. Mr. Holloway explained the history of the annual educator conference, which is a requirement for all licensed instructors and coordinators to attend. Because of the size of the Association, a larger venue is needed. To aid the cost of the over-all conference, and to help the Association become self-supporting, the promotion of a special license plate to promote EMS, was decided upon.

Representatives of the Association spoke with Memphis Representative Ulysses Jones. Representative Jones wrote the legislation for presentation to the Senate by Senator Catherine Bowers. The proposed bill passed 30 to 0.

The Association will meet with the TN Transportation Highway subcommittee soon. The specialty plates will be for licensed EMS personnel and anyone involved in EMS; i.e. registered nurses, nurse practitioners, physicians, law enforcement, fire or military personnel etc.

The cost of the plate will be \$35.00. Thirty-one seventy-five (\$31.75) will be split three ways; 50% of the \$31.75 goes to TEMSEA, 40% GOES TO THE Tennessee Arts Commission, and 10% will go to the State Highway Department.

The TEMSEA funds will also be used to assist the providers who choose to attend the conference and, in time, help with training equipment needs. The Association also awards scholarships to EMT and paramedic students. They want to distribute some of the funds to increase these scholarship opportunities.

Mr. Holloway asked for the Board's support in this endeavor.

Mayor Griffin asked a question concerning the National Registry testing. Mr. Holloway stated that in the 2006 conference, a block of time has been reserved for discussion of the National Registry testing. The Association will be soliciting educational related questions to provide to the National Registry for their response. He asked for the questions to be submitted to an EMS program director or go to the TEMSEA website at www.TEMSEA.com by the deadline of April 30th.

Mr. Holloway had copies of the specialty license plates which he distributed to the Board; he reminded everyone the plate still had to be approved by the TN Department of Transportation. Upon approval, the effective date will be July 1st. One thousand (1,000) will have to be sold before they can go into production. There will be a place on the TEMSEA website to leave your name and contact information to be kept informed of the progress.

Chairman Ellenburg called upon Mr. Chuck Latimer, President of Tennessee Ambulance Service Association, for comments on House Bill 3556. Mr. Latimer reported a TennCare Committee had been established to committee to inquire, review and negotiate the reimbursement rate issue. There is a tremendous amount of support for the Bill, but he asked everyone to contact their representative with their support.

STAFF REPORT – JOE PHILLIPS, EMS DIRECTOR

- The 2005 EMS annual report was reviewed. The production report began in July 2005 to February, 2006 showing the consistent growth in EMS.
- Implementation of the State Trauma Registry has begun. The statistician will also analyze and produce reports from the EMITS database which should be finished in the next two or three weeks.
- The Senate Bill 3458 was deferred in committee for two (2) weeks.

The lunch recess was called.

The meeting re-convened at 12:45 pm. Chairman Ellenburg called Dr. Julie Dunn for her committee report.

COMMITTEE REPORT: TRAUMA CARE ADVISORY COUNCIL

Dr. Dunn reported the meeting of the Council resulted in the recognizable need for a larger coalition; such as, trauma coordinators and registrars from across the state including the trauma centers. The Council wants to have more cooperation and input between all groups involved. Activating these groups will help in coordinating outreach activities with an emphasis on injury prevention.

The Council is involved in the national trauma database trial where injury codes across the nation will be coded a certain way.

The federal government did not fund the EMS Grant which is critical in the development of systems against natural and man-made disasters. The Division will reapply for the next budget year.

APPROVAL OF MINUTES

The December 2005 minutes were reviewed. Ms. Finch made a clarification on page 18 under the vote where Ken Wilkerson's vote status moved to the next line. Mr. Wilkerson had abstained from that vote.

Robert Byrd moved to accept the minutes with the notation; seconded by Jackie Wilkerson. By a voice vote, the minutes of the December 2005 meeting passed unanimously.

TRAVEL CLAIMS

Ms. Finch asked the board members to write their current e-mail addresses on their forms.

2007 MEETING DATES

The available meetings were read. Jackie Wilkerson made the motion to approve the proposed meeting dates of March 28-29, 2007, June 27-28, September 26-27 and November 28-29; seconded by Ken Wilkerson. The motion passed on a voice vote unanimously.

CONSENT ORDERS – Elisha Hodge.

Raymond Hill Jr., EMT-IV
East Ridge, Tennessee
Case No. 200501083
March 29, 2006

Chairman Ellenburg asked for the record to show Robert Byrd had left for the day.

Ms. Elisha Hodge distributed the Order to the Board for their review. Ken Wilkerson recused himself from the proceeding.

Ms. Hodge read the pertinent information for the audience. "The respondent was in violation of T.C.A. 68-140-511 (a) (1) (A) and T.C.A. 68-140-511 (a) (2) and (a) (8). Mr. Hill had agreed to the suspension of his license to become effective immediately upon ratification of this Order.

In order for the suspension to be lifted, he has to, within 3- days, have an evaluation with TNPAP and, if necessary, sign a contract with TNPAP. Upon meeting these requirements, his license will then be put on probation to run concurrent with his TNPAP contract but for no less than three (3) years in duration.

Should his contract with TNPAP be extended past the point that he signed for initially, then so will his probation."

Dr. Julie Dunn made the motion to accept the Consent Order as presented; seconded by Donald Mosby. By a roll call vote, the motion passed.

Dr. Alderson	yes	Mark King	yes
Susan Breeden	yes	Donald Mosby	yes
Dr, Dunn	yes	Dr. White	yes
Susan Earl	yes	J .Wilkerson	yes
Larry Griffin	yes	K.Wilkerson	recused
Chairman Ellenburg	yes		

Traci Evil, EMT-P
Red Bank, Tennessee

Case No. 200500819
March 29, 2006

The Consent Order was distributed to the Board. Ken Wilkerson recused himself from hearing the Consent Order.

The Consent Order was read by Ms. Hodge. The respondent has been charged with violating T.C.A. 68-140-511 (a) (1) (A) and T.C.A. 68-140-511- (a) (2) and (a) (8). Ms. Evil has agreed "to the suspension of her license effective immediately upon ratification of this Order by the Board, and within thirty (30) days of the ratification to have both an evaluation done by TNPAP and contract with TNPAP if necessary.

If a contract is signed, her license will be placed on probation to run concurrent with the contract but will be on probation for no less than three (3) years in duration. If her TNPAP contract is extended, so will her probationary period."

An error was noticed in the Consent Order stating Ms. Evil was an EMT-IV instead of a paramedic. Ms. Hodge confirmed Ms. Evil a paramedic. Susan Breeden moved to accept the Consent Order with the corrections as stated; seconded by Dr. Alderson. By a roll call vote of

Dr. Alderson	yes
Susan Breeden	yes
Dr, Dunn	yes
Susan Earl	yes
Larry Griffin	yes
Chairman Ellenburg	yes

Mark King	yes
Donald Mosby	yes
Dr. White	yes
Jackie Wilkerson	yes
Ken Wilkerson	recused

MOTION PASSED

Jonathan Renberg, EMT-P
LaVergne, Tennessee

Case No. 200501348
March 29, 2006

Chairman Ellenburg asked for the record to show Mr. Ken Wilkerson was back in attendance.

Ms. Elisha Hodge distributed the Consent Order to the Board. Ms. Hodge read the Order. The respondent was charged with violating T.C.A. 68-140-511 (a) (1) (A) and (B) which is violating any provision of the part or any rule of the Board. He was also charged with violating Section (3) of that statute, making false statements or representations, being guilty of fraud or deceit in obtaining authorization; and, Section (8), performing or attempting to perform emergency care techniques or procedures without the proper permission, license, certification, training, medical direction or otherwise engaging in unethical practices and conduct portion. This also is in violation of the Tennessee EMS rules and regulation 1200-12-1-.17 (6): "accepting and performing, or attempting to perform, professional responsibilities which the licensee knows, or has reason to know, he is not competent to perform."

Due to these violations, the respondent has agreed to a one (1) year suspension on his license. After some discussion, Mark King moved to accept the Consent Order as presented; seconded by Larry Griffin. The roll was called for the vote.

Dr. Alderson	yes	Donald Mosby	yes
Ms. Breeden	yes	Dr. White	yes
Dr. Dunn	yes	Jackie Wilkerson	no
Ms. Earl	yes	Ken Wilkerson	no
Larry Griffin	yes	Chair Ellenburg	no
Mark King	yes		

With a vote of eight (8) yes and three (3) no, the motion to accept the Consent Order passed.

Chassie Land, EMT-IV
Dunlap, Tennessee

Case No. 200600010
March 29, 2006

Ms. Hodge distributed this Order to the Board for their review and read same for the audience.

The respondent was charged with violating T.C.A. 68-140-511 (a) (1); T.C.A.68-140-511 (a) (4) and (a) (8). In addition, EMS rule 1200-12-1-.17 (1) was violated.

The respondent has agreed to cease and desist practicing as an EMT-IV in the State of Tennessee, and will voluntarily surrender her EMT-IV license.

Jackie Wilkerson made the motion to accept the Consent Order as presented; seconded by Donald Mosby.

Dr. Alderson	yes	Donald Mosby	yes
Ms. Breeden	yes	Dr. White	yes
Dr. Dunn	yes	Jackie Wilkerson	yes
Ms. Earl	yes	Ken Wilkerson	yes
Larry Griffin	yes	Chair Ellenburg	yes
Mark King	yes		

Motion carried.

Dustin Morgan, EMT-P
Sunbright, Tennessee

Case No. 200501490
March 29, 2006

The Consent Order was distributed to the Board, and Ms. Hodge read the violations to T.C.A. 68-140-511 (a) (1) (A), violation of any provision, and (2) and (8). The respondent agreed to have his license placed on probation for one (1) year, and have a TNPAP evaluation within thirty (30) days of ratification of the Order. If the evaluation deems a contract with TNPAP, the probationary period will run concurrent with the TNPAP contract which will not be less than three (3) years in duration. If the TNPAP contract should be extended, the probationary period will also be extended.

After discussion, Ken Wilkerson made the motion to accept the Consent Order as presented. Dr. Julie Dunn gave the second on the motion. A roll call vote was taken.

Dr. Alderson	yes	Donald Mosby	yes
Ms. Breeden	yes	Dr. White	yes
Dr. Dunn	yes	Jackie Wilkerson	yes
Ms. Earl	yes	Ken Wilkerson	yes
Larry Griffin	yes	Chair Ellenburg	yes
Mark King	yes		

Motion carried.

Patrick Schroeder, EMT-P
Clarksville, Tennessee

Case No. 200501864
March 29, 2006

The Board reviewed the document while Ms. Hodge read from the Order the violations of T.C.A. 68-140-511 (A) (1) (a), Part (1), Part (2) and Part (8).

Mr. Schroeder's license will be suspended, effective immediately, upon the ratification of the Consent Order by the Board. He also shall have the TNPAP evaluation within thirty (30) days. If a contact with TNPAP is recommended, the contract and his suspension will coincide.

Dr. White moved to accept the Consent Order as presented; seconded by Donald Mosby.

Dr. Alderson	yes	Donald Mosby	yes
Ms. Breeden	yes	Dr. White	yes
Dr. Dunn	yes	Jackie Wilkerson	yes
Ms. Earl	yes	Ken Wilkerson	yes
Larry Griffin	yes	Chair Ellenburg	yes
Mark King	yes		

By a roll call vote, motion carried.

DIVISION OF EMERGENCY MEDICAL SERVICES
MARCH 29, 2006

IN THE MATTER OF:

ANTONIO TATE, EMT-P
MEMPHIS, TENNESSEE
DOCKET NO.17.34-081135A

The Honorable Thomas G. Stovall, Administrative Law Judge, presided over this case. Ms. Elisha Hodge, Assistant General Counsel, represented the Tennessee Department of Health. Mr. Antonio Tate was present and represented by Attorney Robert Hardy Jr. of Memphis, Tennessee.

An agreement had been reached among the case attorneys. Judge Stovall recognized the agreement for the record.

Mr. Tate had applied for a license; the application had been denied. Mr. Tate had been appealing the denial decision. Mr. Tate withdrew his appeal contingent upon the agreement with the State that upon completing his EMT basic requirements Mr. Tate would be eligible to receive his paramedic licensure in the State of Tennessee.

IN THE MATTER OF:

DAVID EARL NIXON, FIRST RESPONDER
WESTMORELAND, TENNESSEE
DOCKET NO.17.34-076516A

Judge Stovall asked for the record to show the absence of Mr. Nixon and his attorney of record Mr. Jack Lowery of Lebanon, Tennessee. State Assistant Counsel, Ms. Elisha Hodge, asked to proceed in default. The Notices of Charges and Hearing were shown to have been filed on July 22, 2005. Ms. Hodge distributed the Notice of Charges to the Board.

Judge Stovall asked the members of the Board to introduce themselves for the record. The members present were:

Dr. Charles Alderson
Ms. Susan Breeden
Dr. Julie Dunn
Susan Earl
Larry Griffin
Darren Ellenburg
Mark King
Donald Mosby
Steve White
Jackie Wilkerson
Ken Wilkerson

For the benefit of the audience, Judge Stovall asked Ms. Hodge to state the Allegations of Fact in the case before she made her motion for default. After reading the Allegations of Fact, Judge Stovall asked if any board member had any prior knowledge about the case. No board member stated any knowledge.

Ms. Hodge moved for the State to be allowed to proceed in default and presented the Court the proof of service received February 2, 2005. Ms. Hodge stated the Notice was also sent to the attorney of record, Mr. Jack Lowery.

Due to the Motion and the Order reading the time set for 1:00 pm on March 29 and 10:00 am on March 30, the decision was made to give the respondent and/or his attorney the opportunity to appear the next day.

MARCH 30, 2006

At 10:00 a.m. Judge Stovall reopened the record. The board members in attendance were:

Dr. Charles Alderson
Susan Breeden
Darren Ellenburg, Chair
Larry Griffin
Mark King
Donald Mosby
Jackie Wilkerson
Ken Wilkerson

The motion for default passed. After the Board reviewed the Notice of Charges, Donald Mosby moved to accept the Allegations of Fact as written; seconded by Jackie Wilkerson. The vote was passed unanimously. MOTION PASSED

Ms. Susan Breeden made the motion to accept the Causes of Action/Conclusions of Law as presented. Larry Griffin seconded the motion. Again, a roll call vote was taken. All board members present voting yes; MOTION PASSED

Jackie Wilkerson moved for revocation of license; seconded by Dr. Alderson. The vote to revoke Mr. Nixon's license was:

Dr. Alderson	yes
Susan Breeden	yes
Larry Griffin	yes
Mark King	yes
Donald Mosby	yes
Jackie Wilkerson	yes
Ken Wilkerson	yes
Chair Ellenburg	yes

MOTION PASSED TO REVOKE THE FIRST RESPONDER LICENSE OF DAVID NIXON.

Mark King stated the Policy Statement "the Board cannot condone this conduct, which is not consistent with the high standards of professional practice, which is mandatory for a licensed healthcare professional." Ken Wilkerson moved to accept the Policy Statement as presented by Mr. King; seconded by Larry Griffin. By a voice vote, all members voted yes. No one was opposed. MOTION CARRIED.

Judge Stovall asked Chairman Ellenburg to state the statute violation of the Fact; Mark King made the motion that under T.C.A.68-140-511, Prohibited Acts, the guilty plea constitutes a violation of our Act". Ken Wilkerson seconded the motion. All board members voted yes by a voice vote. MOTION CARRIED

The record was closed and a fifteen (15) minute recess was taken.

NEW BUSINESS

No new business was presented.

ANNOUNCEMENTS

Donna Tidwell introduced Mr. O'Neal Ellis as the new Region 8 consultant.

Ken Wilkerson moved to adjourn; seconded by EVERYBODY; MOTION PASSED.

Respectfully submitted,

Terrie E. Finch
Administrative Assistant
Emergency Medical Services
Regulatory Board

DIVISION OF EMERGENCY MEDICAL SERVICES

IN THE MATTER OF:

MELL JAMES, EMT-P
CLARKSVILLE, TENNESSEE
DOCKET #17.34-076615A

Administrative Law Judge Tom Stovall presided. Ms. Elisha Hodge represented the State of Tennessee, and Ms. Debra A. Wall of Clarksville, Tennessee represented the respondent.

Judge Stovall opened the record and asked the board members to introduce themselves.

Dr. Charles Alderson
Susan Breeden
Larry Griffin
Darren Ellenburg
Mark King
Don Mosby
Jackie Wilkerson (recused)
Ken Wilkerson

Opening statements were made by Ms. Hodge and Ms. Wall. The Notice of Charges was distributed to the board members. Witness were recognized, sworn in and dismissed to a separate room. After three witnesses was called for testimony, it was decided that a continuous would be needed.

After discussion of attendance and time allowance, Judge Stovall set the June 21 board meeting date as the date for the continuous. He emphasized the importance of the eight (8) members present to be available on the June 21, 2006.